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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,265	10/26/2000	David P. Golds	2360	3853

7590 12/19/2002

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EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/697,265

Applicant(s)

GOLDS, DAVID P.

Examiner

Jean M Corrielus

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2&3. 6) ☐ Other:

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DETAILED ACTION

1. This office action is a response to the application filed on 26 October 2000 (paper 1), in which claims 1-19 are presented for examination.

Drawings

2. Applicants are required to furnish the formal drawings in response this office action. No new matter may be introduced in the required drawing. Failure to timely submit a drawing will result in ABANDONMENT of the application.

Information Disclosure Statement

3. The information disclosure statement filed on 22 February 2001 (paper no.2) and 11 July 2001 (paper no.3) complies with the provisions of M.E.P.. § 609. It has been placed in the application file. The information referred to therein has been considered as to the merits.

Claim Rejections - 35 U.S.C. § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(c) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Beyda et al (hereinafter "Beyda") US Patent no. 6,012,130.

As to claim 1, Beyda discloses a system upgraded having a file system configured to manage file on an existing storage mechanism (col.1, lines 8-11). In particular, discloses the claimed features "detecting the addition of a new storage mechanism to the computer system" once the new drive has been physically installed the operating system and hardware must be appropriately configured so that the new drive is recognized and useable by the operating system and computer hardware (col.5, lines 62-65 and col.6, lines 1-18); "selecting a file of the file system from the existing storage mechanism" (col.7, lines 38-55); "moving at least part of the file data of the selected file to the new storage mechanism" (col.7, lines 42-67); and "providing a link on the existing storage mechanism to the file data moved to the new storage mechanism" (col.8, lines 16-30).

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As to claim 2, Beyda discloses the claimed feature "wherein moving at least part of the data of the selected file to the new storage mechanism includes copying the file data to the new storage mechanism, and reclaimed storage space corresponding to the file data on the existing storage mechanism" (col.2, lines 40-65; col.5, line 30-col.9, line 65).

As to claim 3, Beyda discloses the claimed "wherein selecting a file of the file system from the existing storage mechanism includes determining the identify of a file via a policy"(col.2, lines 40-65; col.5, line 30-col.9, line 65).

As to claim 4, Beyda discloses the claimed "wherein providing the link on the existing storage mechanism to the file data includes attaching a reparse point to the link"(col.2, lines 40-65; col.5, line 30-col.9, line 65).

As to claim 5, Beyda discloses the claimed "wherein the reparse point includes the identity of a file containing the file data"(col.2, lines 40-65; col.5, line 30-col.9, line 65).

As to claim 6, Beyda discloses the claimed "wherein the file data of the original file is maintained in another file, and further comprising enforcing rules related to file system operations on the link file and the other file"(col.2, lines 40-65; col.5, line 30-col.9, line 65).

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As to claim 7, Beyda discloses the claimed "wherein the rules vary based on whether the other file is accessible at the time a file system operation is requested"(col.2, lines 40-65; col.5, line 30-col.9, line 65).

As to claim 8, Beyda discloses the claimed "receiving a request for freespace, and in response, summing freespace of the existing storage mechanism with freespace of the new storage mechanism"(col.2, lines 40-65; col.5, line 30-col.9, line 65).

As to claims 9-15, the limitations of claims 9-15 have been noted in the rejection of claims 1-8 above. They are, therefore, rejected under the same rationale.

As to claim 16, Beyda discloses the claimed "receiving a request to create a file on the first storage mechanism"(col.5, lines 62-65 and col.6, lines 1-18); "creating the file on the second storage mechanism" (col.7, lines 38-55); "providing a link on the first storage mechanism to the second storage mechanism"(col.2, lines 40-65; col.5, line 30-col.9, line 65); and "maintaining at least some file data of the file on the second storage mechanism" (col.8, lines 16-30).

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As to claim 17, Beyda discloses the claimed "returning a file handle to the link"(col.2, lines 40-65; col.5, line 30-col.9, line 65).

As to claim 18, Beyda discloses the claimed "detecting the existing of the second storage mechanism" (col.2, lines 40-65; col.5, line 30-col.9, line 65).

As to claim 19, Beyda discloses the claimed "receiving requests including the file handle to the link, and modifying the request to include a file handle to the file on the second storage mechanism"(col.2, lines 40-65; col.5, line 30-col.9, line 65).

Conclusion

6. Any inquiry concerning this communication or early communication from the Examiner should directed to Jean M. Corrielus whose telephone number is (703) 306-3035. The Examiner can normally be reached on the weekdays, Tuesday-Friday, from 6:30am to 5:00pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kim Vu, can be reached on (703)305-9343.

Any response to this final action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 740-7238 (for formal communications intended for entry)

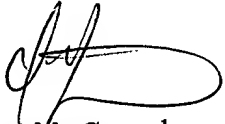
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Or: (703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT"). Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to this application should be directed to the group receptionist whose telephone number is (703)305-9600.



Jean M. Corrielus

Patent Examiner

December 13, 2002